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Attorney Docket No. 42778.8001.US01



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Date: May 14, 2004

By: 
Rena lov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KORENBERG, JULIE R.
APPLICATION No.: 08/956,991
FILED: OCTOBER 23, 1997
FOR: **NUCLEIC ACID ENCODING DS-CAM
PROTEINS AND PRODUCTS RELATED
THERETO**

EXAMINER: SWITZER, JULIET
CAROLINE
ART UNIT: 1634
CONF. NO: 9464

Statement of the Substance of the Interview Pursuant
to 37 C.F.R. § 1.133(b)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Statement of the Substance of the Interview is submitted pursuant to 37 C.F.R. §1.133 (b) regarding the telephonic interview conducted on April 12, 2004 among Examiner Juliet Switzer, Inventor Julie Korenberg, and Patent Attorney James Zhu to discuss the utility requirement issue raised in the Final Office Action mailed November 19, 2003 and the Advisory Action mailed March 24, 2004 for the above-identified application.

1). Claims discussed. All pending claims, which include claims 1, 31-32, 38-46 and 48-49.

2). The nature of the interview. Applicant discussed whether the specification meets with the utility requirement.

3). The arguments presented in the interview. Applicants argued that the utility requirement is met by the disclosure of the specification and knowledge in prior art references. In particular, the claimed molecules (DS-CAM) can be used as a marker for the detection of Down syndrome (DS), DS-associated mental retardation and congenital heart disease based on the presence of the coding sequence of DS-CAM in a region of chromosome 21 that has previously shown to be associated with these diseases.


4). Suggestion made by Examiner Switzer. Examiner Switzer suggested that Applicant file arguments which clearly point out how the specification and prior art support Applicant's statement that DS-CAM can be used as a marker for the detection of these diseases.

5). Proposal made by Applicant. Applicant indicated that Applicant would file a Request for Continued Examination under 37 C.F.R. §1.114 with a declaration under 37 C.F.R. §1.132 pointing to the specification and the prior art references in support for the disclosure of a specific, substantial, and credible utility.

Please contact the undersigned at (310) 788-3219 with any questions.

Respectfully submitted,
Perkins Coie LLP

Date: 5/14/04


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